

Appl. No. 10/826,733  
Reply to Office Action of March 9, 2006

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**AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently Amended) An optical recording medium recorded and reproduced with irradiation of light thereon, said irradiation of light being made by an objective lens of which numerical aperture is larger than 1 to record and reproduce recorded pits, comprising at least a silicon layer and a silicon oxide layer being formed from the light irradiation side, in that order,

wherein said silicon layer has formed thereon a protective layer of which refractive index is larger than a numerical aperture of said objective lens.

2. An optical recording medium according to claim 1, wherein said recorded pits are recorded by changing said silicon layer into silicon oxide.

Please Cancel claims 3-4.(Cancelled)

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5. (Currently Amended) An optical recording and reproducing method for recording and reproducing an optical recording medium with irradiation of light, said light being irradiated through an objective lens of which numerical aperture is larger than 1 and using said optical recording medium in which recorded pits are recorded and reproduced, wherein said optical recording medium has at least a protective layer, a silicon layer and a silicon oxide layer formed thereon from the light irradiation side, in that order, said recorded pits being formed by changing said silicon layer into silicon oxide and

a refractive index of the protective layer is larger than a numerical aperture of said objective lens.

**Please add the following new claims:**

6. (New) An optical medium according to claim 1, wherein said protective layer is made of a material selected from the group consisting of HfO<sub>2</sub>, ZrO<sub>2</sub>, Ta<sub>2</sub>O<sub>5</sub>, aluminum nitride, boron nitride and diamond.

7. (New) An optical recording and reproducing method according to claim 5, wherein said protective layer is made of a material selected from the group consisting of HfO<sub>2</sub>, ZrO<sub>2</sub>, Ta<sub>2</sub>O<sub>5</sub>, aluminum nitride, boron nitride and diamond.